

1 BILL NO. G-82-12-~~44~~ (AS AMENDED)

2 GENERAL ORDINANCE NO. G- 10-82

3 AN ORDINANCE amending Chapter 26 of the  
4 Municipal Code of the City of Fort Wayne,  
5 Indiana of 1974, entitled "Subdivisions".

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
7 INDIANA:

8 SECTION 1. That the title page of Chapter 26, entitled  
9 "Subdivisions", of the Municipal Code of the City of Fort Wayne, Indiana  
10 of 1974, is hereby amended as follows, to-wit:

11 A. The first paragraph shall be amended by deleting  
12 "See I.C. 1971, 18-1-1.5-10" and substituting the following  
13 in lieu thereof: "I.C. 36-7-2-2 and I.C. 36-7-2-3";

14 B. By deleting "I.C. 1971, 18-7-5-47" and substituting the  
15 following in lieu thereof: "I.C. 36-7-4-702 and I.C. 36-7-4-710";

16 C. By deleting "I.C. 1971, 18-7-5-54" and substituting the  
17 following in lieu thereof: "I.C. 36-7-4-701 and I.C. 36-7-4-711";

18 D. By deleting "I.C. 1971, 18-7-5-1 to I.C. 18-7-5-98" and  
19 substituting the following in lieu thereof: "I.C. 36-7-4-100, et seq.";

20 E. By deleting "Section 26-6 Severability of Provisions of  
21 Section 26-4, 26-5, and 26-10." and substituting the following in  
22 lieu thereof: "Section 26-6 Zoning Districts for Subdivisions.";

23 F. By deleting "Article II. Application, Preliminary Plat  
24 & Final Plat and substituting the following in lieu thereof: "Article II.  
25 Application, Primary and Secondary Approval.";

26 G. By deleting "Section 26-8. Preliminary Plat." and substituting  
27 the following in lieu thereof: "Section 26-8. Primary Approval."; and

28 H. By deleting "Section 26-9. Final Plat - Generally." and  
29 substituting the following in lieu thereof: "Section 26-9 Secondary  
30 Approval."

31 SECTION 2. That Article I, Section 26-1 of the Municipal Code  
32 of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding the  
following sentence to Section 26-1, to-wit: "Condominiums regulated by

1 I.C. 36-1-6 are not regulated by this Chapter."

2 SECTION 3. That Article I, Section 26-3 of the Municipal Code  
3 of the City of Fort Wayne, Indiana of 1974 is hereby amended as follows,  
4 to-wit:

5 A. By deleting "Comprehensive Development Plan. The complete  
6 plan or any part of such plan for the development of the City as  
7 prepared and adopted by the City Plan Commission." and substituting  
8 the following in lieu thereof: "Comprehensive Plan. That Plan  
9 for the promotion of public health, safety, morals, convenience,  
10 order and the general welfare and for the sake of efficiency and  
11 economy in the process of development provided for and adopted in  
12 accordance with I.C. 36-7-4-500, et seq."

13 B. By deleting "Subdivision. The division of a parcel of land  
14 into three or more lots or other divisions of land, in any twelve  
15 month period of time; of the division of any parcel of land into  
16 two or more parcels if the division requires the creation of any  
17 new street, easement or if the division requires the creation of  
18 any new street, easement or right-of-way, or interferes with any  
19 projected street, easement or right-of-way shown on the thoroughfare  
20 plan as contained in the general right-of-way shown on the  
21 thoroughfare plan as contained in the general plan for the develop-  
22 ment of the city; provided that division of land for agricultural  
23 purposes in parcels of more than ten acres, not involving any new  
24 street or easement access, shall be exempted. For the purposes  
25 of this definition, a division shall be deemed to occur at the  
26 time that a proposition for the sale, conditional or otherwise,  
27 is executed, or a deed is executed, whichever is earliest." and  
28 substituting the following in lieu thereof: "Subdivision. The  
29 division of a parcel of land into three or more lots or other  
30 divisions of land, in any twelve month period of time; or the  
31 division of any parcel of land into two or more parcels if the  
32 division requires the creation of any new street, easement or  
right-of-way, or interferes with any projected street, easement



1 or right-of-way including those contained in the comprehensive  
2 plan; provided, that division of land for agricultural purposes  
3 in parcels of more than ten acres, not involving any new street  
4 or easement access, shall be exempted. For the purposes of this  
5 definition, a division shall be deemed to occur at the time that  
6 a proposition for the sale of any parcel is accepted, or a contract  
7 of sale, conditional or otherwise, is executed, or a deed is  
8 executed, whichever is earliest."

9 C. By deleting "Territorial jurisdiction. The city, and  
10 the contiguous unincorporated areas outside of the city shown on a  
11 map on file in the office of the County Recorder."

12 D. By deleting "Thoroughfare plan. The plan prepared and  
13 adopted by the City Plan Commission indicating the locations and  
14 classifications of existing and proposed streets and highways,  
15 including bridges, viaducts, expressways, parkways, alleys and  
16 other public ways and places."

17 SECTION 4. That Section 26-6 of the Municipal Code of the City  
18 of Fort Wayne, Indiana of 1974 is hereby amended by deleting it in its  
19 entirety and substituting the following in lieu thereof: "Zoning Districts  
20 for Subdivisions. Subdivisions are permitted as follows:

21 (a) Residential subdivisions are permitted in all zoning  
22 districts except M-3 districts.

23 (b) Commercial subdivisions are permitted in all zoning  
24 districts except R-1, R-2, R-3, R-A and R-B districts.

25 (c) Industrial subdivisions are permitted only in M-1, M-2  
26 and M-3 zoning districts."

27 SECTION 5. That Article II, Section 26-7 of the Municipal Code  
28 of the City of Fort Wayne, Indiana of 1974 is hereby amended by deleting  
29 it in its entirety and substituting the following in lieu thereof:  
30 "Section 26-7. Applications generally. The application shall contain a  
31 statement specifying the intentions of the owner respecting the proposed  
32 planned use of the development, deed, restrictions, drainage, sewage  
disposal, water facilities and the intended date of the development, and

1 shall be accompanied by a receipt from the city showing that a filing fee  
2 in an amount to be determined by rule of the plan commission has been paid."

3 SECTION 6. That Article II, Section 26-8 of the Municipal  
4 Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as  
5 follows, to-wit:

6 A. By deleting "Preliminary Plat" and substituting the  
7 following in lieu thereof: "Primary Approval."

8 B. By deleting Section 26-8(a) in its entirety and substituting  
9 the following in lieu thereof: "(a) The tracing and thirty copies  
10 of the proposed plat and two copies of the application form shall  
11 be submitted at the time of filing a subdivision application. Every  
12 plat subdividing any land lying within territorial jurisdiction  
13 of the City Plan Commission shall be submitted to the City Plan  
14 Commission together with the written application of the owner or  
15 owners thereof for the approval of the Commission. Then thirty  
16 days after the receipt of the application, unless a longer period  
17 is requested by the applicant, the Commission shall set a date at  
18 which a hearing on the proposed plat will be held and it shall  
19 notify the applicant in writing and give notice of the hearing in  
20 accordance with I.C. 36-7-4-706. Furthermore, the Plan Commission  
21 shall give notice to interested parties, as determined by the Plan  
22 Commission, at least ten days prior to the hearing. If any part  
23 of the property proposed for subdivision is within five hundred  
24 feet (500') of an existing or proposed park, or includes a proposed  
25 park, the Commission shall send notice of the public hearing date  
26 to the Board of Park Commissioners together with a copy of the  
27 application and proposed plat with a request for any pertinent  
28 comments. The Commission shall also send a copy of the proposed  
29 plat, along with a request for comments, to the City Community  
30 Schools, the County Plan Commission, and to any other government  
31 agency whom it considers to have an interest in the proposed  
32 subdivision.

1 C. By deleting from Section 26-8(b) "The preliminary plat" and  
2 substituting the following in lieu thereof: "the proposed plat for  
3 primary approval."

4 D. By deleting Section 26-8(c) in its entirety and substituting  
5 the following in lieu thereof:

6 "(c) After the public hearing on the proposed plat, the  
7 Commission shall make a decision as to whether to grant or not  
8 to grant primary approval and shall enter written findings that  
9 set forth its reasons for this decision, which writings shall be  
10 signed by the President of the Plan Commission. A copy of these  
11 findings shall be sent to the applicant. Primary approval shall  
12 be valid for two years from the date of approval, and if during  
13 this two-year period the developer does not submit a plat for  
14 secondary approval of all or part of the area included in the  
15 plat receiving primary approval, then the primary approval  
16 given by the Commission shall lapse and be considered null and  
17 void."



SECTION 7. That Section 26-9 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

A. By deleting "Final plat - Generally." and substituting the following in lieu thereof: "Secondary Approval - Generally."

B. By deleting Sections 26-9(a), (b) and (c) in their entirety and substituting the following in lieu thereof: "(a) Secondary approval will not be considered on a proposed plat until at least thirty days after written findings and a decision have been entered granting primary approval on a proposed plat, and the applicant has paid a filing fee for the secondary approval in an amount to be determined by the Plan Commission. The application for secondary approval shall include a plat submitted to the Commission in the form of original tracing on one piece of tracing cloth or tracing paper, in ink, and shall be a complete and accurate layout drawn to the same scale as the plat submitted for primary approval, corrections and deletions required by the Commission, and shall show:

(1) The boundary lines of the tract subdivided together with accurate distances and angles and the exact location of all existing and recorded streets intersecting the boundary of the tract;

(2) Angles or true bearings and distances to the nearest established street line or existing official monuments, which shall be accurately described on the plat;

(3) An accurate metes and bounds description of the tract and the name of record titleholders thereof, as shown by the records in the Office of the County Recorder;

(4) Street names;

(5) The length of all arcs and radii, central angles,

1 internal angles, points of curvature and tangency, and the length  
2 of all tangents;

3 (6) All easements for public services and utilities, the  
4 dimensions thereof, and any limitations on such easements;

5 (7) Lot numbers and dimensions and individual house numbers  
6 for each lot. House numbers on any certain street shall be  
7 consecutive even though the street itself changes direction and  
8 shall be in accordance with the provisions of Sections 25-65 through  
9 25-69. If the change of direction is radical enough to warrant a  
10 deviation from consecutive numbering, then the street name itself  
11 shall be changed;

12 (8) Street lines with accurate dimensions and the locations  
13 of streets, alleys and lot lines;

14 (9) Location, type, material, and size of all monuments or  
15 markers;

16 (10) The accurate outline of all property which is offered  
17 for dedication for public use with the purpose thereof indicated  
18 and all property that may be reserved by deed covenant or restriction  
19 for the common use of property owners of the subdivision;

20 (11) Building line locations and dimensions;

21 (12) Restrictions of all types which run with the land;

22 (13) Name of the subdivision;

23 (14) Name and address of the subdivider;

24 (15) Northpoint, scale and date;

25 (16) Section or reserve lines or other legal lines of location  
26 superimposed on the final plat;

27 (17) Certification by a professional civil engineer, or land  
28 surveyor registered in the state;

29 (18) Dedication of public streets and lands;

30 (19) Certificate of approval by the City Plan Commission, Board  
31 of Public Works and if any part of the property being subdivided is  
32 within five hundred feet (500') of a park, the Board of Park  
Commissioners, and if any of the property lies outside of the

1 City, by the Board of Commissioners of the County; and

2 (20) Any such other data as the Plan Commission by rule requires.  
3 Any such rule shall be adopted by Commission resolution only after a  
4 public hearing.

5 (b) If a plat upon which secondary approval has been granted  
6 by the Commission has not been recorded in the Office of the County  
7 Recorder within 365 days after the entry of written findings and  
8 decisions granting such approval, approval of the Commission shall  
9 be deemed automatically withdrawn.

10 (c) If after secondary approval has been granted by the Commission,  
11 such plat is discovered to be inaccurate in measurements or because of  
12 scrivener's errors, the owners of all of the lots in the plat as  
13 shown on record in the Office of the Recorder of the County may  
14 petition the Commission for approval of a corrected plat. If matters  
15 of survey are to be corrected, the corrected plat shall be accompanied  
16 by an affidavit of a registered surveyor as authorized by I.C.  
17 36-2-11-19 and may incorporate by reference any matters appearing  
18 on record in the recording of the prior plat. The Commission may  
19 approve such corrected plat without further notice of public hearing  
20 and show its approval upon the face of the corrected plat in the  
21 same manner as upon the original plat."

22 C. By deleting the following sentence in its entirety: "For  
23 State law as to hearings, see I.C. 1971, 18-7-5-48."

24 SECTION 8. That Section 26-10 of the Municipal Code of the  
25 City of Fort Wayne, Indiana of 1974 is hereby deleted in its entirety and  
26 the following substituted in lieu thereof: "Prerequisite to Secondary  
27 Approval and to Recording.

28 The Commission will grant secondary approval of the plat only  
29 if one of the following is submitted:

30 (a) A certificate of the Board of Public Works having been  
31 filed with the Commission that the streets, sewers, water supplies  
32 and other utilities, improvements, and installations have been



1 improved and installed in the subdivision in accordance with the  
2 requirements of Sections 26-23 through 26-29; or

3 (b) A certificate of the Board of Public Works having been filed  
4 with the Commission that the developer has submitted and the Board of  
5 Public Works has approved a complete set of plans and specifications  
6 for the development of all streets, sewers, water supplies and other  
7 utilities and facilities, installations and improvements in the  
8 subdivision in accordance with the requirements of Section 26-23 through  
9 26-29, and the applicant has submitted a performance bond to the  
10 Commission to insure installation of the improvements as shown by such  
11 plans and specifications, which performance bond shall:

12 (1) Run to the City;

13 (2) Be in an amount determined by the Board of Public Works,  
14 subject to the approval of the Commission to be sufficient to complete  
15 the improvements and installations in compliance with this ordinance:

16 (3) Be with surety satisfactory to the Commission; and

17 (4) Specify the time for the completion of such improvements.

18 (c) After secondary approval of the plat is granted, the Plan  
19 Commission will release the plat for recording only after all boundary  
20 markers required by Section 26-22 have been installed and after the  
21 plat has been signed and certified by the President and Secretary or  
22 by the Vice-President and Secretary."

23 SECTION 9. That Section 26-11 of the Municipal Code of the City  
24 of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

25 A. By deleting "Each final plat submitted to the commission for  
26 approval" and substituting the following in lieu thereof: "Each plat  
27 submitted to the Commission for secondary approval."

28 SECTION 10. That Section 26-12 of the Municipal Code of the City  
29 of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

30 A. By deleting "Same - Accompanying statement when submitted for  
31 final approval." and substituting the following in lieu thereof:

32 "Same - Accompanying statement when submitted for secondary  
approval."

1           B. By deleting "Each final plat submitted to the  
2 Commission for approval" and substituting the following in  
3 lieu thereof: "Each plat submitted to the Commission for  
4 secondary approval."

5           C. By deleting from Section 26-12(a) the work "final".

6           D. By deleting from Section 26-12(b) the following:  
7 "Each final plat submitted to the Commission for approval" and  
8 substituting the following in lieu thereof: "Each plat submitted  
9 to the Commission for secondary approval."

10           SECTION 11. That Section 26-13 of the Municipal Code of the  
11 City of Fort Wayne, Indiana of 1974 is hereby deleted in its entirety and  
12 the following is hereby substituted in lieu thereof:

13           "The Commission shall, within a reasonable time after  
14 applicant has submitted a full and complete application as set  
15 forth in this ordinance, make a decision to grant or not to grant  
16 secondary approval and shall make written findings and decision as  
17 to its granting of secondary approval of the plat. If the Commission  
18 approves, it shall affix the Commission Seal upon the plat, together  
19 with the certifying signatures of its President and Secretary or its  
20 Vice-President and Secretary. The Commission shall in the event of  
21 approval or disapproval furnish the applicant with a copy of its  
22 written findings and decision."

23           SECTION 12. That Section 26-14 of the Municipal Code of the  
24 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

25           A. By deleting the word "final".

26           SECTION 13. That Section 26-15 of the Municipal Code of  
27 the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

28           A. By deleting "Comprehensive Development Plan" and substituting  
29 the following in lieu thereof: "Comprehensive Plan".

30           SECTION 14. That Section 26-16 of the Municipal Code of the  
31 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:



1           A. By deleting "thoroughfare plan being a part of the  
2 general plan for future development" and substituting the following  
3 in lieu thereof: "Comprehensive Plan".

4           B. Section 26-16(k) is hereby amended by deleting "No dead-end  
5 street shall be permitted where the same is in conflict with the  
6 thoroughfare plan." and substituting the following in lieu thereof:  
7 "No dead-end street shall be permitted where the same is in conflict  
8 with any plan announced by the Board of Public Works."

9           C. Section 26-16(l)(1) is hereby amended by deleting "Expressways:  
10 as shown in the thoroughfare plan." and substituting the following  
11 in lieu thereof: "(1) Expressways: as shown in the plans promulgated  
12 by the Board of Public Works."

13           SECTION 15. That Section 26-21 of the Municipal Code of the  
14 City of Fort Wayne, Indiana of 1974 is hereby amended by deleting  
15 "Comprehensive Development Plan" and substituting the following in lieu  
16 thereof: "comprehensive plan".

17           SECTION 16. That Section 26-23 of the Municipal Code of  
18 the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

19           A. Section 26-23(b) is hereby amended by deleting "according  
20 to the type designated on the thoroughfare plan, being a part of the  
21 general plan for future development".

22           B. By deleting Section 26-23(c) in its entirety and substituting  
23 the following in lieu thereof: "The street, according to its type,  
24 shall be improved by the developer with concrete, asphalt or other  
25 suitable material in accordance with the specifications and  
26 requirements adopted by the Board of Public Works."

27           C. By deleting Section 26-23(d) in its entirety and  
28 substituting the following in lieu thereof: "The developer shall  
29 notify the Board of Public Works prior to the time that the  
30 construction of any street begins in order to assure proper  
31 inspection."

32           D. By deleting Section 26-23(e) in its entirety and substituting



1 the following in lieu thereof: "Street lighting shall be provided  
2 in all residential, apartment, commercial and industrial sub-  
3 divisions by the developer. The design, material and installation  
4 shall meet the minimum requirements and specifications adopted by  
5 the Board of Public Works."

6 E. By deleting Section 26-23(f) in its entirety.

7 SECTION 17. That Section 26-24 of the Municipal Code of the  
8 City of Fort Wayne, Indiana of 1974 is hereby amended by deleting it in its  
9 entirety and substituting the following in lieu thereof:

10 "Section 26-24. Street Signs.

11 Street signs shall be approved and installed by the developer  
12 at all street intersections. The design and installation thereof  
13 shall meet the requirements of the Board of Public Works."

14 SECTION 18. That Section 26-25 of the Municipal Code of the  
15 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

16 A. By deleting the first sentence of Section 26-25(a) and  
17 substituting the following in lieu thereof:

18 "(a) Curbs and gutters shall be installed by the developer  
19 in a manner that complies with the requirements and specifications  
20 adopted by the Board of Public Works."

21 B. By deleting Section 26-25(b) in its entirety and substituting  
22 the following in lieu thereof;

23 "(b) The developer shall notify the Board of Public Works  
24 prior to the time any curb is installed in order to insure proper  
25 inspection."

26 C. By deleting Section 26-25(c) in its entirety.

27 SECTION 19. That Section 26-26 of the Municipal Code of the  
28 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

29 A. By deleting Section 26-26(c) in its entirety and substituting  
30 the following in lieu thereof:

31 "(c) The design and manner in which the construction of the  
32 sidewalk is carried out shall comply with the requirements and

1 specifications adopted by the Board of Public Works."

2 B. By deleting Section 26-26(d) in its entirety and  
3 substituting the following in lieu thereof:

4 "(d) The developer shall notify the Board of Public Works  
5 prior to installation of sidewalks in order to insure proper  
6 inspection."

7 C. By deleting Section 26-26(e) in its entirety and  
8 substituting the following in lieu thereof:

9 "(e) Unless the installation of sidewalks has been waived  
10 by the Plan Commissinn under the terms of this section, no  
11 Certificates of Occupancy shall be issued until the developer  
12 has installed such sidewalks."

13 D. By deleting Section 26-26(f) in its entirety.

14 SECTION 20. That Section 26-27 of the Municipal Code of the  
15 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

16 A. By deleting Section 26-27(b) in its entirety and substituting  
17 the following in lieu thereof:

18 "(b) Developer shall notify the Board of Public Works prior  
19 to installation of the water system in order to insure proper  
20 inspection."

21 B. By deleting Section 26-27(c) in its entirety and substituting  
22 the following in lieu thereof:

23 "(c) Developer shall pay to the Engineering Permit Office  
24 an hourly inspection fee in an amount to be determined by the Board  
25 of Public Works for each hour a city inspector is present to inspect  
26 the water supply prior to the issuance of any Certificate of  
27 Occupancy."

28 SECTION 21. That Section 26-28 of the Municipal Code of the  
29 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

30 A. By deleting Section 26-28(a)(1)c. in its entirety and  
31 substituting the following in lieu thereof:

32 "(a)(1)c. Designed and installed according to the

1 requirements and specifications adopted by the Board of Public  
2 Works."

3 B. By deleting Section 26-28(a)(2)a. in its entirety and  
4 substituting the following in lieu thereof:

5 "(a)(2)a. complete sanitary sewer system to convey the  
6 sewage to the treatment plant provided by the developer or others  
7 in accordance with the minimum requirements of the City or County  
8 and State Board of Health. The plans and manner in which the  
9 construction is carried out as to location, size, material, profiles,  
10 capacities and other drainage appurtenances, shall comply with the  
11 requirements and specifications adopted by the Board of Public  
12 Works, or"

13 C. By deleting Section 26-28(a)(2)b. in its entirety and  
14 substituting the following in lieu thereof:

15 "(a)(2)b. a complete sanitary sewer system which will  
16 connect into a sanitary sewage disposal company which will hold a  
17 certificate of territorial authority issued by the Public Service  
18 Commission of the State authorizing such sewage disposal services  
19 for the area in which the subdivision is located. The plans and  
20 the manner in which the construction is carried out as to location,  
21 size, materials, profiles, capacities, and other drainage  
22 appurtenances, shall comply with the requirements and specifications  
23 of the Board of Public Works."

24 D. By deleting from Section 26-28(b) the following: "if the  
25 subdivision is duly recorded after the effective date of this  
26 amendment."

27 E. By deleting Section 26-28(c) in its entirety and  
28 substituting the following in lieu thereof:

29 "(c) the developer shall pay to the Engineering Permit Office  
30 an hourly inspection fee in an amount to be determined by the Board  
31 of Public Works for each hour the city inspector is present or  
32 contractual inspection costs for inspections of the sanitary



1 sewage system prior to the issuance of any Certificate of  
2 Occupancy."

3 SECTION 22. That Section 26-29 of the Municipal Code of the  
4 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

5 A. By deleting the last sentence of Section 26-19(a) and  
6 substituting the following in lieu thereof: "The plans for the  
7 drainage of the subdivision showing topography, direction of flow,  
8 size, location, material, profile and all drainage appurtenances  
9 shall be subject to the Board of Public Works approval, and  
10 the construction shall be completed in a manner that complies  
11 with the requirements and specifications adopted by the Board of  
12 Public Works."

13 B. By deleting Section 26-29(b) in its entirety and substituting  
14 the following in lieu thereof: "(b) The developer shall notify  
15 The Board of Public Works prior to the storm water sewer being  
16 installed in order to insure proper inspection."

17 C. By deleting Section 26-29(c) in its entirety and substituting  
18 the following in lieu thereof: "(c) The Developer shall pay an  
19 hourly inspection fee in an amount to be determined by the Board  
20 of Public Works for each hour a city inspector is present or the  
21 contractual inspection costs to the Engineering Permit Office  
22 prior to the issuance of any Certificate of Occupancy."

23 SECTION 23. That Chapter 26 of the Municipal Code of the City  
24 of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new  
25 section as follows, to-wit:

26 "Section 26-30. Severability of Provisions of this Chapter.  
27 If any section, clause, provision or portion of this  
28 ordinance is adjudged unconstitutional or invalid by a  
29 court of competent jurisdiction, the remainder of this  
30 ordinance shall not be affected thereby."

31 SECTION 24. That this Ordinance shall constitute an amendment  
32 to existing Ordinance of the City of Fort Wayne and any such ordinances of  
the City of Fort Wayne and any such ordinances in conflict herewith shall be

subordinated to the terms and conditions of this Ordinance.

SECTION 25. That if any section, clause, sentence, paragraph, part or provision of this Ordinance shall be found invalid or void by a Court of competent jurisdiction, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council of the City of Fort Wayne, Indiana without such invalid section, clause, sentence, paragraph, part or provision, and the remaining parts of this Ordinance shall remain in effect.

SECTION 26. That this Ordinance shall be in full force and effect from and after its passage, due legal publication thereof and any and all necessary approval by the Mayor.

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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

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BRUCE O. BOXBERGER, CITY ATTORNEY

1 BILL NO. G-82-12- 44

2 GENERAL ORDINANCE NO. G-\_\_\_\_\_

3 AN ORDINANCE amending Chapter 26 of the  
4 Municipal Code of the City of Fort Wayne, Indiana  
5 of 1974, entitled "Subdivisions".

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
7 FORT WAYNE, INDIANA:

8 SECTION 1. That the title page of Chapter 26, entitled  
9 "Subdivisions", of the Municipal Code of the City of Fort Wayne,  
10 Indiana of 1974 is hereby amended as follows, to-wit:

11 A. The first paragraph shall be amended  
12 by deleting "Section 18-1-1.5-10" and  
13 substituting the following in lieu thereof:

14 "I.C. 36-7-2-2 and I.C. 36-7-2-3";

15 B. By deleting "I.C. 1971 Section  
16 18-7-5-47" and substituting the following in  
17 lieu thereof:

18 "I.C. 36-7-4-702 and I.C. 36-7-4-710";

19 C. By deleting "I.C. 1971 Section  
20 18-7-5-54" and substituting the following in  
21 lieu thereof:

22 "I.C. 36-7-4-701 and I.C. 36-7-4-711";

23 D. By deleting "I.C. 1971 Section  
24 18-7-5-1 to I.C. 18-7-5-98" and substituting  
25 the following in lieu thereof:

26 "I.C. 36-7-4-100, et seq.";

27 E. By deleting "Section 26-6  
28 Severability of provisions of Section 26-4,  
29 26-5, and 26-10." and substituting the  
30 following in lieu thereof:

31 "Section 26-6 Zoning Districts for  
32 Subdivisions.";



1 F. By deleting "Article II. Application,  
2 Preliminary Plat and Final Plat." and  
3 substituting the following in lieu thereof:

4 "Article II. Application, Primary and  
5 Secondary Approval.";

6 G. By deleting "Section 26-8.  
7 Preliminary Plat." and substituting the  
8 following in lieu thereof:

9 "Section 26-8. Primary Approval."; and

10 H. By deleting "Section 26-9. Final Plat  
11 - Generally." and substituting the following  
12 in lieu thereof:

13 "Section 26-9. Secondary Approval."

14 SECTION 2. That Article I, Section 26-1 of the  
15 Municipal Code of the City of Fort Wayne, Indiana of 1974 is  
16 hereby amended by adding the following sentence to Section 26-1,  
17 to-wit:

18 "Condominiums regulated by I.C. 36-1-6  
19 are not regulated by this Chapter."

20 SECTION 3. That Article I, Section 26-3 of the  
21 Municipal Code of the City of Fort Wayne, Indiana of 1974 is  
22 hereby amended as follows, to-wit:

23 A. By deleting "Comprehensive  
24 Development Plan. The complete plan or any  
25 part of such plan for the development of the  
26 City as prepared and adopted by the City Plan  
27 Commission." and substituting the following  
28 in lieu thereof:

29 "Comprehensive Plan. That Plan for the  
30 promotion of public health, safety, morals,  
31 convenience, order and the general welfare  
32 and for the sake of efficiency and economy in

1 the process of development provided for and  
2 adopted in accordance with I.C. 36-7-4-500,  
3 et seq."

4 B. By deleting "Subdivision. The  
5 division of a parcel of land into three or  
6 more lots or other divisions of land, in any  
7 twelve month period of time; or the division  
8 of any parcel of land into two or more  
9 parcels if the division requires the creation  
10 of any new street, easement or if the  
11 division requires the creation of any new  
12 street, easement or right-of-way, or  
13 interferes with any projected street,  
14 easement or right-of-way shown on the  
15 thoroughfare plan as contained in the general  
16 right-of-way shown on the thoroughfare plan  
17 as contained in the general plan for the  
18 development of the city; provided that  
19 division of land for agricultural purposes in  
20 parcels of more than ten acres, not involving  
21 any new street or easement access, shall be  
22 exempted. For the purposes of this  
23 definition, a division shall be deemed to  
24 occur at the time that a proposition for the  
25 sale, conditional or otherwise, is executed,  
26 or a deed is executed, whichever is  
27 earliest." and substituting the following in  
28 lieu thereof:

29 "Subdivision. The division of a parcel  
30 of land into three or more lots or other  
31 divisions of land, in any twelve month period  
32 of time; or the division of any parcel of

1 land into two or more parcels if the division  
2 requires the creation of any new street,  
3 easement or right-of-way, or interferes with  
4 any projected street, easement or  
5 right-of-way including those contained in the  
6 comprehensive plan; provided, that division  
7 of land for agricultural purposes in parcels  
8 of more than ten acres, not involving any new  
9 street or easement access, shall be exempted.  
10 For the purposes of this definition, a  
11 division shall be deemed to occur at the time  
12 that a proposition for the sale of any parcel  
13 is accepted, or a contract of sale,  
14 conditional or otherwise, is executed, or a  
15 deed is executed, whichever is earliest."

16 C. By deleting "Territorial  
17 jurisdiction. The city, and the contiguous  
18 unincorporated areas outside of the city  
19 shown on a map on file in the office of the  
20 county recorder."

21 D. By deleting "Thoroughfare plan. The  
22 plan prepared and adopted by the city plan  
23 commission indicating the locations and  
24 classifications of existing and proposed  
25 streets and highways, including bridges,  
26 viaducts, expressways, parkways, alleys and  
27 other public ways and places."

28 SECTION 4. That Section 26-6 of the Municipal Code of  
29 the City of Fort Wayne, Indiana of 1974 is hereby amended by  
30 deleting it in its entirety and substituting the following in  
31 lieu thereof:

32 "Zoning Restrictions for Subdivisions.

4



1 Subdivisions are permitted as follows:

2 (a) Residential subdivisions are  
3 permitted in all zoning districts except M-3  
4 districts.

5 (b) Commercial subdivisions are  
6 permitted in all zoning districts except R-1,  
7 R-2, R-3, R-A and R-B districts.

8 (c) Industrial subdivisions are  
9 permitted only in M-1, M-2 and M-3 zoning  
10 districts."

11 SECTION 5. That Article II, Section 26-8 of the  
12 Municipal Code of the City of Fort Wayne, Indiana of 1974 is  
13 hereby amended as follows, to-wit:

14 A. By deleting "Preliminary Plat." and  
15 substituting the following in lieu thereof:

16 "Primary Approval."

17 B. By deleting Section 26-8(a) in its  
18 entirety and substituting the following in  
19 lieu thereof:

20 "(a) The tracing and thirty copies of  
21 the proposed plat and two copies of the  
22 application form shall be submitted at the  
23 time of filing a subdivision application.  
24 Every plat subdividing any land lying within  
25 the territorial jurisdiction of the City Plan  
26 Commission shall be submitted to the City  
27 Plan Commission together with the written  
28 application of the owner or owners thereof  
29 for the approval of the Commission. Then  
30 thirty days after the receipt of the  
31 application, unless a longer period is  
32 requested by the applicant, the Commission

1 shall set a date at which a hearing on the  
2 proposed plat will be held and it shall  
3 notify the applicant in writing and give  
4 notice of the hearing in accordance with I.C.  
5 36-7-4-706. Furthermore, the Plan Commission  
6 shall give notice to interested parties, as  
7 determined by the Plan Commission, at least  
8 ten days prior to the hearing. If any part of  
9 the property proposed for subdivision is  
10 within five hundred feet (500') of an  
11 existing or proposed park, or includes a  
12 proposed park, the Commission shall send  
13 notice of the public hearing date to the  
14 Board of Park Commissioners together with a  
15 copy of the application and proposed plat  
16 with a request for any pertinent comments.  
17 The Commission shall also send a copy of the  
18 proposed plat, along with a request for  
19 comments, to the City Community Schools, the  
20 County Plan Commission, and to any other  
21 government agency whom it considers to have  
22 an interest in the proposed subdivision.  
23 After the public hearing on the proposed  
24 plat, the Commission shall make a decision as  
25 to whether to grant or not to grant primary  
26 approval and shall enter written findings  
27 that set forth its reasons for this decision,  
28 which writings shall be signed by the  
29 President of the Plan Commission. A copy of  
30 these findings shall be sent to the  
31 applicant."

32 SECTION 6. That Section 26-9 of the Municipal Code of

1 the City of Fort Wayne, Indiana of 1974 is hereby amended as  
2 follows, to-wit:

3 A. By deleting "Final plat - Generally."  
4 and substituting the following in lieu  
5 thereof:

6 "Secondary Approval - Generally."

7 B. By deleting Sections 26-9(a), (b) and  
8 (c) in their entirety and substituting the  
9 following in lieu thereof:

10 "(a) Secondary approval will not be  
11 considered on a proposed plat until at least  
12 thirty days after written findings and a  
13 decision have been entered granting primary  
14 approval on a proposed plat, and the  
15 applicant has paid a filing fee for the  
16 secondary approval in an amount to be  
17 determined by the Plan Commission. The  
18 application for secondary approval shall  
19 include a plat submitted to the Commission in  
20 the form of original tracing on one piece of  
21 tracing cloth or tracing paper, in ink, and  
22 shall be a complete and accurate layout drawn  
23 to the same scale as the plat submitted for  
24 primary approval, and shall contain all  
25 additions, corrections and deletions required  
26 by the Commission, and shall show:

27 (1) The boundary lines of the tract  
28 subdivided together with accurate distances  
29 and angles and the exact location of all  
30 existing and recorded streets intersecting  
31 the boundary of the tract;

32 (2) Angles or true bearings and



1 distances to the nearest established street  
2 line or existing official monuments, which  
3 shall be accurately described on the plat;

4 (3) An accurate metes and bounds  
5 description of the tract and the names of  
6 record titleholders thereof, as shown by the  
7 records in the Office of the County Recorder;

8 (4) Street names;

9 (5) The length of all arcs and radii,  
10 central angles, internal angles, points of  
11 curvature and tangency, and the length of all  
12 tangents;

13 (6) All easements for public services  
14 and utilities, the dimensions thereof, and  
15 any limitations on such easements;

16 (7) Lot numbers and dimensions and  
17 individual house numbers for each lot. House  
18 numbers on any certain street shall be  
19 consecutive even though the street itself  
20 changes direction and shall be in accordance  
21 with the provisions of Sections 25-65 through  
22 25-69. If the change of direction is radical  
23 enough to warrant a deviation from  
24 consecutive numbering, then the street name  
25 itself shall be changed;

26 (8) Street lines with accurate  
27 dimensions and the locations of streets,  
28 alleys and lot lines;

29 (9) Location, type, material, and size  
30 of all monuments or markers;

31 (10) The accurate outline of all  
32 property which is offered for dedication for

1 public use with the purpose thereof indicated  
2 and all property that may be reserved by deed  
3 covenant or restriction for the common use of  
4 property owners of the subdivision;

5 (11) Building line locations and  
6 dimensions;

7 (12) Restrictions of all types which run  
8 with the land;

9 (13) Name of the subdivision;

10 (14) Name and address of the subdivider;

11 (15) Northpoint, scale and date;

12 (16) Section or reserve lines or other  
13 legal lines of location superimposed on the  
14 final plat;

15 (17) Certification by a professional  
16 civil engineer, or land surveyor registered  
17 in the state;

18 (18) Dedication of public streets and  
19 lands;

20 (19) Certificate of approval by the City  
21 Plan Commission, Board of Public Works and if  
22 any part of the property being subdivided is  
23 within five hundred feet (500') of a park,  
24 the Board of Park Commissioners, and if any  
25 of the property lies outside of the City, by  
26 the Board of Commissioners of the County; and

27 (20) Any such other data as the Plan  
28 Commission by rule requires. Any such rule  
29 shall be adopted by Commission resolution  
30 only after a public hearing.

31 (b) If a plat upon which secondary  
32 approval has been granted by the Commission

1 has not been recorded in the Office of the  
2 County Recorder within 365 days after the  
3 entry of written findings and decisions  
4 granting such approval, approval of the  
5 Commission shall be deemed automatically  
6 withdrawn.

7 (c) If after secondary approval has been  
8 granted by the Commission, such plat is  
9 discovered to be inaccurate in measurements  
10 or because of scrivener's errors, the owners  
11 of all of the lots in the plat as shown of  
12 record in the Office of the Recorder of the  
13 County may petition the Commission for  
14 approval of a corrected plat. If matters of  
15 survey are to be corrected, the corrected  
16 plat shall be accompanied by an affidavit of  
17 a registered surveyor as authorized by I.C.  
18 36-2-11-19 and may incorporate by reference  
19 any matters appearing of record in the  
20 recording of the prior plat. The Commission  
21 may approve such corrected plat without  
22 further notice of public hearing and show its  
23 approval upon the face of the corrected plat  
24 in the same manner as upon the original  
25 plat."

26 C. By deleting the following sentence in  
27 its entirety: "For State law as to hearings,  
28 see I.C. 1971 18-7-5-48."

29 SECTION 7. That Section 26-10 of the Municipal Code of  
30 the City of Fort Wayne, Indiana of 1974 is hereby deleted in its  
31 entirety and the following substituted in lieu thereof:

32 "Prerequisite to Secondary Approval and

10.



to Recording.

The Commission will grant secondary approval of the plat only if one of the following is submitted:

(a) A certificate of the Board of Public Works having been filed with the Commission that the streets, sewers, water supplies and other utilities, improvements, and installations have been improved and installed in the subdivision in accordance with the requirements of Sections 26-23 through 26-29; or

(b) A certificate of the Board of Public Works having been filed with the Commission that the developer has submitted and the Board of Public Works has approved a complete set of plans and specifications for the development of all streets, sewers, water supplies and other utilities and facilities, installations and improvements in the subdivision in accordance with the requirements of Section 26-23 through 26-29, and the applicant has submitted a performance bond to the Commission to insure installation of the improvements as shown by such plans and specifications, which performance bond shall:

(1) Run to the City;

(2) Be in an amount determined by the Board of Public Works, subject to the approval of the Commission to be sufficient to complete the improvements and

1           installations in compliance with this  
2           ordinance;

3           (3) Be with surety satisfactory to the  
4           Commission; and

5           (4) Specify the time for the completion  
6           of such improvements.

7           (c) After secondary approval of the plat  
8           is granted, the Plan Commission will release  
9           the plat for recording only after all  
10          boundary markers required by Section 26-22  
11          have been installed and after the plat has  
12          been signed and certified by the President  
13          and Secretary or by the Vice-President and  
14          Secretary."

15          SECTION 8. That Section 26-11 of the Municipal Code of  
16          the City of Fort Wayne, Indiana of 1974 is hereby amended as  
17          follows, to-wit:

18                A. By deleting "Each final plat  
19                submitted to the commission for approval" and  
20                substituting the following in lieu thereof:

21                "Each plat submitted to the Commission  
22                for secondary approval".

23          SECTION 9. That Section 26-12 of the Municipal Code of  
24          the City of Fort Wayne, Indiana of 1974 is hereby amended as  
25          follows, to-wit:

26                A. By deleting "Same - Accompanying  
27                statement when submitted for final approval."  
28                and substituting, the following in lieu  
29                thereof:

30                "Same - Accompanying statement when  
31                submitted for secondary approval."

32                B. By deleting "Each final plat

submitted to the commission for approval" and substituting the following in lieu thereof:

"Each plat submitted to the Commission for secondary approval".

C. By deleting from Section 26-12(a) the word "final".

D. By deleting from Section 26-12(b) the following: "Each final plat submitted to the commission for approval" and substituting the following in lieu thereof:

"Each plat submitted to the Commission for secondary approval".

SECTION 10. That Section 26-13 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby deleted in its entirety and the following is hereby substituted in lieu thereof:

"The Commission shall, within a reasonable time after applicant has submitted a full and complete application as set forth in this ordinance, make a decision to grant or not to grant secondary approval and shall make written findings and decision as to its granting of secondary approval of the plat. If the Commission approves, it shall affix the Commission Seal upon the plat, together with the certifying signatures of its President and Secretary or its Vice-President and Secretary. The Commission shall in the event of approval or disapproval furnish the applicant with a copy of its written findings and decision."

SECTION 11. That Section 26-14 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as



1 follows, to-wit:

2 A. By deleting the word "final".

3 SECTION 12. That Section 26-15 of the Municipal Code of  
4 the City of Fort Wayne, Indiana of 1974 is hereby amended as  
5 follows, to-wit:

6 A. By deleting "comprehensive  
7 development plan" and substituting the  
8 following in lieu thereof:

9 "comprehensive plan".

10 SECTION 13. That Section 26-16 of the Municipal Code of  
11 the City of Fort Wayne, Indiana of 1974 is hereby amended as  
12 follows, to-wit:

13 A. By deleting "thoroughfare plan being  
14 a part of the general plan for future  
15 development" and substituting the following  
16 in lieu thereof:

17 "comprehensive plan".

18 B. Section 26-16(k) is hereby amended by  
19 deleting "No dead-end street shall be  
20 permitted where the same is in conflict with  
21 the thoroughfare plan." and substituting the  
22 following in lieu thereof:

23 "No dead-end street shall be permitted  
24 where the same is in conflict with any plan  
25 announced by the Board of Public Works."

26 C. Section 26-16(l)(1) is hereby amended  
27 by deleting "Expressways: as shown in the  
28 thoroughfare plan." and substituting the  
29 following in lieu thereof:

30 "(1) Expressways: as shown in the plans  
31 promulgated by the Board of Public Works."

32 SECTION 14. That Section 26-21 of the Municipal Code of

1 the City of Fort Wayne, Indiana of 1974 is hereby amended as  
2 follows, to-wit:

3 A. Section 26-23(b) is hereby amended by  
4 deleting "according to the type designated on  
5 the thoroughfare plan, being a part of the  
6 general plan for future development".

7 B. By deleting Section 26-23(c) in its  
8 entirety and substituting the following in  
9 lieu thereof:

10 "The street, according to its type,  
11 shall be improved by the developer with  
12 concrete, asphalt or other suitable material  
13 in accordance with the specifications and  
14 requirements adopted by the Board of Public  
15 Works."

16 C. By deleting Section 26-23(d) in its  
17 entirety and substituting the following in  
18 lieu thereof:

19 "The developer shall notify the Board of  
20 Public Works prior to the time that the  
21 construction of any street begins in order to  
22 assure proper inspection."

23 D. By deleting Section 26-23(e) in its  
24 entirety and substituting the following in  
25 lieu thereof:

26 "Street lighting shall be provided in  
27 all residential, apartment, commercial and  
28 industrial subdivisions by the developer. The  
29 design, material and installation shall meet  
30 the minimum requirements and specifications  
31 adopted by the Board of Public Works."

32 SECTION 15. That Section 26-24 of the Municipal Code of

1 the City of Fort Wayne, Indiana of 1974 is hereby amended by  
2 deleting it in its entirety and substituting the following in  
3 lieu thereof:

4 "Section 26-24. Street signs.

5 Streets signs shall be approved and installed  
6 by the developer at all street intersections.  
7 The design and installation thereof shall  
8 meet the requirements of the Board of Public  
9 Works."

10 SECTION 16. That Section 26-25 of the Municipal Code of  
11 the City of Fort Wayne, Indiana of 1974 is hereby amended as  
12 follows, to-wit:

13 A. By deleting the first sentence of  
14 Section 26-25(a) and substituting the  
15 following in lieu thereof:

16 "(a) Curbs and gutters shall be  
17 installed by the developer in a manner that  
18 complies with the requirements and  
19 specifications adopted by the Board of Public  
20 Works."

21 B. By deleting Section 26-25(b) in its  
22 entirety and substituting the following in  
23 lieu thereof:

24 "(b) The developer shall notify the  
25 Board of Public Works prior to the time any  
26 curb is installed in order to insure proper  
27 inspection."

28 C. By deleting Section 26-25(c) in its  
29 entirety.

30 SECTION 17. That Section 26-26 of the Municipal Code of  
31 the City of Fort Wayne, Indiana of 1974 is hereby amended as  
32 follows, to-wit:



1           A. By deleting Section 26-26(c) in its  
2           entirety and substituting the following in  
3           lieu thereof:

4           "(c) The design and manner in which the  
5           construction of the sidewalk is carried out  
6           shall comply with the requirements and  
7           specifications adopted by the Board of Public  
8           Works."

9           B. By deleting Section 26-26(d) in its  
10          entirety and substituting the following in  
11          lieu thereof:

12          "(d) The developer shall notify the  
13          Board of Public Works prior to installation  
14          of sidewalks in order to insure proper  
15          inspection."

16          C. By deleting Section 26-26(e) in its  
17          entirety and substituting the following in  
18          lieu thereof:

19          "(e) Unless the installation of  
20          sidewalks has been waived by the Plan  
21          Commission under the terms of this section,  
22          no certificates of occupancy shall be issued  
23          until the developer has installed such  
24          sidewalks."

25          D. By deleting Section 26-26(f) in its  
26          entirety.

27          SECTION 18. That Section 26-27 of the Municipal Code of  
28          the City of Fort Wayne, Indiana of 1974 is hereby amended as  
29          follows, to-wit:

30          A. By deleting Section 26-27(b) in its  
31          entirety and substituting the following in  
32          lieu thereof:

1           "(b) Developer shall notify the Board of  
2       Public Works prior to installation of the  
3       water system in order to insure proper  
4       inspection."

5           B. By deleting Section 26-27(c) in its  
6       entirety and substituting the following in  
7       lieu thereof:

8           "(c) Developer shall pay to the  
9       Engineering Permit Office an hourly  
10      inspection fee in an amount to be determined  
11      by the Board of Public Works for each hour a  
12      city inspector is present to inspect the  
13      water supply prior to the issuance of any  
14      certificate of occupancy."

15       SECTION 19. That Section 26-28 of the Municipal Code of  
16   the City of Fort Wayne, Indiana of 1974 is hereby amended as  
17   follows, to-wit:

18           A. By deleting Section 26-28(a)(1)c. in  
19      its entirety and substituting the following  
20      in lieu thereof:

21           "(a)(1)c. Designed and installed  
22      according to the requirements and  
23      specifications adopted by the Board of Public  
24      Works."

25           B. By deleting Section 26-28(a)(2)a. in  
26      its entirety and substituting the following  
27      in lieu thereof:

28           "(a)(2)a. complete sanitary sewer system  
29      to convey the sewage to the treatment plant  
30      provided by the developer or others in  
31      accordance with the minimum requirements of  
32      the City or County and State Board of Health.

1 The plans and the manner in which the  
2 construction is carried out as to location,  
3 size, material, profiles, capacities and  
4 other drainage appurtenances, shall comply  
5 with the requirements and specifications  
6 adopted by the Board of Public Works, or"

7 C. By deleting Section 26-28(a)(2)b. in  
8 its entirety and substituting the following  
9 in lieu thereof:

10 "(a)(2)b. a complete sanitary sewer  
11 system which will connect into a sanitary  
12 sewage disposal company which will hold a  
13 certificate of territorial authority issued  
14 by the Public Service Commission of the State  
15 authorizing such sewage disposal services for  
16 the area in which the subdivision is located.  
17 The plans and the manner in which the  
18 construction is carried out as to location,  
19 size, materials, profiles, capacities, and  
20 other drainage appurtenances, shall comply  
21 with the requirements and specifications of  
22 the Board of Public Works."

23 D. By deleting from Section 26-28(b) the  
24 following:

25 "if the subdivision, plat or street is  
26 duly recorded after the effective date of  
27 this amendment."

28 E. By deleting Section 26-28(c) in its  
29 entirety and substituting the following in  
30 lieu thereof:

31 "(c) the developer shall pay to the  
32 Engineering Permit Office an hourly



1 inspection fee in an amount to be determined  
2 by the Board of Public Works for each hour  
3 the city inspector is present or contractual  
4 inspection costs for inspections of the  
5 sanitary sewage system prior to the issuance  
6 of any certificate of occupancy."

7 SECTION 20. That Section 26-29 of the Municipal Code of  
8 the City of Fort Wayne, Indiana of 1974 is hereby amended as  
9 follows, to-wit:

10 A. By deleting the last sentence of  
11 Section 26-19(a) and substituting the  
12 following in lieu thereof:

13 "The plans for the drainage of the  
14 subdivision showing topography, direction of  
15 flow, size, location, material, profile and  
16 all drainage appurtenances shall be subject  
17 to the Board of Public Works approval, and  
18 the construction shall be completed in a  
19 manner that complies with the requirements  
20 and specifications adopted by the Board of  
21 Public Works."

22 B. By deleting Section 26-29(b) in its  
23 entirety and substituting the following in  
24 lieu thereof:

25 "(b) The developer shall notify the  
26 Board of Public Works prior to the storm  
27 water sewer being installed in order to  
28 insure proper inspection."

29 C. By deleting Section 26-29(c) in its  
30 entirety and substituting the following in  
31 lieu thereof:

32 "(c) The developer shall pay an hourly

1 inspection fee in an amount to be determined  
2 by the Board of Public Works for each hour a  
3 city inspector is present or the contractual  
4 inspection costs to the Engineering Permit  
5 Office prior to the issuance of any  
6 certificate of occupancy."

7 SECTION 21. That Chapter 26 of the Municipal Code of  
8 the City of Fort Wayne, Indiana of 1974 is hereby amended by  
9 adding thereto a new section as follows, to-wit:

10 "Section 26-30. Severability of  
11 Provisions of this Chapter.

12 If any section, clause, provision or  
13 portion of this ordinance is adjudged  
14 unconstitutional or invalid by a court of  
15 competent jurisdiction, the remainder of this  
16 ordinance shall not be affected thereby."

17 SECTION 22. That this Ordinance shall constitute an  
18 amendment to existing ordinances of the City of Fort Wayne and  
19 any such ordinances in conflict herewith shall be subordinated to  
20 the terms and conditions of this Ordinance.

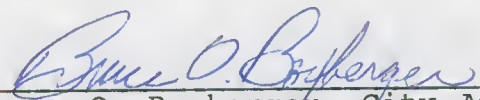
21 SECTION 23. That if any section, clause, sentence,  
22 paragraph, part or provision of this Ordinance shall be found  
23 invalid or void by a Court of competent jurisdiction, it shall be  
24 conclusively presumed that this Ordinance would have been passed  
25 by the Common Council of the City of Fort Wayne, Indiana without  
26 such invalid section, clause, sentence, paragraph, part or  
27 provision, and the remaining parts of this Ordinance shall remain  
28 in effect.

29 SECTION 24. That this Ordinance shall be in full force  
30 and effect from and after its passage, due legal publication  
31 thereof and any and all necessary approval by the Mayor.

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Councilmember

APPROVED AS TO FORM  
AND LEGALITY

  
Bruce O. Boxberger, City Attorney



Read the first time in full and on motion by Eisbach, seconded by Don Quarta, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 12-28-82  
Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Stier, seconded by Salinas, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	<u>0</u>			
BRADBURY	<u>X</u>				
BURNS	<u>X</u>				
EISBART	<u>X</u>				
GiaQUINTA	<u>X</u>				
SCHMIDT	<u>X</u>				
SCHOMBURG	<u>X</u>				
SCRUGGS	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 4-12-83  
Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (GENERAL) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE (RESOLUTION) NO. G-10-83 on the 10th day of April, 1983.

ATTEST: (SEAL)  
Charles W. Westerman Ray A. Ebert  
CHARLES W. WESTERMAN - CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of April, 1983, at the hour of 11:30 o'clock PM M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 15th day of April 1983, at the hour of 10 o'clock PM M., E.S.T.  
Win Moses, Jr.  
WIN MOSES, JR. - MAYOR

*Hold*  
*4/12/83*

BILL NO. G-8 2-12-44 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending Chapter 26 of the Municipal Code of the City of Fort Wayne  
Indiana of 1974, entitled "Subdivisions"

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

*James S. Stier*  
*Janet G. Bradbury*  
*Victure Scruggs*  
*Mark E. Giaquinta*  
*R. J. Schomburg*

*4-12-83*  
DATE 4-12-83 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

4 April 1983

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is an ordinance amending Chapter 26 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, entitled "Subdivisions".

This amendment received a "DO PASS" recommendation at the regular business meeting of the City Plan Commission held March 28, 1983 for the following reason:

The ordinance, as proposed, will comply with the recently approved changes in the state law dealing with subdivisions.

If you have any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

Certified and signed this  
4th day of April 1983.

Stephen A. Bailey  
Secretary



1 shall be accompanied by a receipt from the city showing that a filing fee  
2 in an amount to be determined by rule of the Plan Commission has been paid."

3 SECTION 6. That Article II, Section 26-8 of the Municipal  
4 Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as  
5 follows, to-wit:

6 A. By deleting "Preliminary Plat." and substituting the  
7 following in lieu thereof: "Primary Approval."

8 B. By deleting Section 26-8(a) in its entirety and substituting  
9 the following in lieu thereof: "(a) The tracing and thirty copies  
10 of the proposed plat and two copies of the application form shall  
11 be submitted at the time of filing a subdivision application. Every  
12 plat subdividing any land lying within the territorial jurisdiction  
13 of the City Plan Commission shall be submitted to the City Plan  
14 Commission together with the written application of the owner or  
15 owners thereof for the approval of the Commission. Then thirty  
16 days after the receipt of the application, unless a longer period  
17 is requested by the applicant, the Commission shall set a date at  
18 which a hearing on the proposed plat will be held and it shall  
19 notify the applicant in writing and give notice of the hearing in  
20 accordance with I.C. 36-7-4-706. Furthermore, the Plan Commission  
21 shall give notice to interested parties, as determined by the Plan  
22 Commission, at least ten days prior to the hearing. If any part  
23 of the property proposed for subdivision is within five hundred  
24 feet (500') of an existing or proposed park, or includes a proposed  
25 park, the Commission shall send notice of the public hearing date  
26 to the Board of Park Commissioners together with a copy of the  
27 application and proposed plat with a request for any pertinent  
28 comments. The Commission shall also send a copy of the proposed  
29 plat, along with a request for comments, to the City Community  
30 Schools, the County Plan Commission, and to any other government  
31 agency whom it considers to have an interest in the proposed  
32 subdivision. After the public hearing on the proposed plat, the  
Commission shall make a decision as to whether to grant or not to

1 grant primary approval and shall enter written findings that  
2 set forth its reasons for this decision, which writings shall  
3 be signed by the President of the Plan Commission. A copy of these  
4 findings shall be sent to the applicant."

5 SECTION 7. That Section 26-9 of the Municipal Code of the  
6 City of Fort Wayne, Indiana of 1974 is hereby amended as follows,  
7 to-wit:

8 A. By deleting "Final plat - Generally." and substituting  
9 the following in lieu thereof: "Secondary Approval - Generally."

10 B. By deleting Sections 26-9(a), (b) and (c) in their entirety  
11 and substituting the following in lieu thereof: "(a) Secondary  
12 approval will not be considered on a proposed plat until at least  
13 thirty days after written findings and a decision have been entered  
14 granting primary approval on a proposed plat, and the applicant  
15 has paid a filing fee for the secondary approval in an amount to be  
16 determined by the Plan Commission. The application for secondary  
17 approval shall include a plat submitted to the Commission in the form  
18 of original tracing on one piece of tracing cloth or tracing paper,  
19 in ink, and shall be a complete and accurate layout drawn to the  
20 same scale as the plat submitted for primary approval, corrections  
21 and deletions required by the Commission, and shall show:

22 (1) The boundary lines of the tract subdivided together with  
23 accurate distances and angles and the exact location of all  
24 existing and recorded streets intersecting the boundary of the  
25 tract;

26 (2) Angles or true bearings and distances to the nearest  
27 established street line or existing official monuments, which  
28 shall be accurately described on the plat;

29 (3) An accurate metes and bounds description of the tract and  
30 the names of record titleholders thereof, as shown by the records  
31 in the Office of the County Recorder;

32 (4) Street names;

(5) The length of all arcs and radii, central angles,

*As amended*  
*82-12-44*TITLE OF ORDINANCE Subdivision Control OrdinanceDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&PSYNOPSIS OF ORDINANCE The Ordinance is amended to conform to recent changes  
in the State Planning Law affecting the Subdivision Control Ordinance.EFFECT OF PASSAGE Our Subdivision Control Ordinance will conform to the State  
Law.EFFECT OF NON-PASSAGE Local Ordinance will remain the same.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_





# The City of Fort Wayne

OFFICE OF THE CITY CLERK

Charles W. Westerman, Clerk — Room 122

April 18, 1983

Ms. Linda King  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of  
April 21 and April 28, 1983, in both the News Sentinel and  
Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

Bill No. Z-82-12-41 (AS AMENDED)  
Zoning Map Ordinance No. Z-02-83

Bill No. G-82-12-44 (AS AMENDED)  
General Ordinance No. G-10-83

Please send us 10 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CW/ne  
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 12th day of April, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-82-12-41 (AS AMENDED) -- Zoning Map Ordinance No. Z-02-83 AN ORDINANCE amending the City of Fort Wayne Zoning Maps No. R-34 & R-38

Notice is hereby given that on the 12th day of April, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-82-12-44 (AS AMENDED) -- General Ordinance No. G-10-83 AN ORDINANCE amending Chapter 26 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, entitled "Subdivisions"

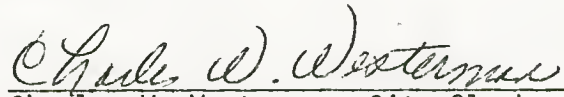
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-82-12-41 (as amended) -- Zoning Map Ordinance No. Z-02-83 and Bill No. G-82-12-44 (as amended) -- General Ordinance No. G-10-83 were passed by the Common Council on the 12th day of April, 1983, and said Ordinances were signed and approved by the Mayor on April 15th, 1983, and remains on file and on record in my office.

Copies of Bill No. Z-82-12-41 (AS AMENDED) -- Zoning Map Ordinance No. Z-02-83 and Bill No. G-82-12-44 (AS AMENDED) -- General Ordinance No. G-10-83 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana


- (1) The main floor of the City-County Building
- (2) The Bulletin Board in the lobby of Downtown
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-82-12-41 (AS AMENDED) -- Zoning Map Ordinance No. Z-02-83 and Bill No. G-82-12-44 (as amended) -- General Ordinance No. G-10-83 will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

  
Charles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on Thursday, April 21, 1983

  
Charles W. Westerman, City Clerk

Fort Wayne Common Council  
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	1
Head number of lines	71
Body number of lines	2
Tail number of lines	74
Total number of lines in notice	

COMPUTATION OF CHARGES

74 lines, 1 columns wide equals 74 equivalent lines at .323¢, 23.90 cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)  
Charge for extra proofs of publication (50 cents for each proof in excess of two) 8 extra 4.00  
TOTAL AMOUNT OF CLAIM. 27.90

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Size of quad upon which type is cast 6

Pursuant to the provisions of Chapter 89, Acts 1967, I hereby certify that the amount claimed is legally due, after allowing all just credits, and that no part of the same is in dispute.

LEGAL NOTICE  
Notice is hereby given that on the 12th day of April, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-82-12-41 (AS AMENDED) - Zoning Map Ordinance No. Z-02-83 AN ORDINANCE amending the City of Fort Wayne Zoning Maps No. R-34 & R-38.

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I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-82-12-41 (as amended) - Zoning Map Ordinance No. Z-02-83 and Bill No. G-82-12-44 (as amended) - General Ordinance No. G-10-83 were passed by the Common Council on the 12th day of April, 1983, and said Ordinances were signed and approved by the Mayor on April 15, 1983, and remains on file and on record in my office.

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(1) Reference Room in the north end of the main floor in said Downtown Public Library  
(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman, City Clerk  
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designed places as stated on Thursday, April 21, 1983.  
Charles W. Westerman, City Clerk

Drusilla Roose  
CLERK

PUBLISHER'S AFFIDAVIT  
State of Indiana  
ALLEN County SS:  
Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows: 4/21 - 4/28/83

Drusilla Roose  
28 th April 19 83  
Subscribed and sworn to me before this day of  
June M. Perkins  
November 29, 1985 Notary Public  
My commission expires



PUBLISHER'S CLAIM

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I herab has bec nt is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same	
Date I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-82-12-41 (es emended) - Zoning Map Ordinance No. Z-02-83 and Bill No. G-82-12-44 (es amended) - General Ordinance No. G-10-83 were passed by the Common Council on the 12th day of April, 1983, and said Ordinances were signed and approved by the Mayor on April 15, 1983, and remains on file end on record in my office.	Drusilla Roose CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:  
Personally appeared before me, a notary public in and for said county and state, the undersigned.....Drusilla Roose.....who, being duly sworn, says that she is.....CLERK.....of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows: 4/21 - 4/28/83

Subscribed and sworn to me before this 28 th day of April 19 83

Notary Public

My commission expires November 29, 1985

Copies of Bill No. Z-82-12-41 (AS AMENDED) - Zoning Map Ordinance No. Z-02-83 and Bill No. G-82-12-44 (AS AMENDED) - General Ordinance No. G-10-83 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

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Charles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designed places as stated on Thursday, April 21, 1983.

Charles W. Westerman, City Clerk

Fort Wayne Common Council  
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind

FORT WAYNE INDIANA

PUBLISHER'S CLAIM

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TOTAL AMOUNT OF CLAIM.	\$ 27.90

DATA FOR COMPUTING COST

Width of single column 9.6 picas	Size of type 6 point
Number of insertions 2	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Apr. 28 1983

Title CLERK

Drusilla Roose

Form 903

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS

Personally appeared before me, a notary public in and for said county and state, the undersigned **Drusilla Roose** who, being duly sworn, says that she is **CLERK** of the **NEWS-SENTINEL** **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows: **4/21 - 4/28/83**

Subscribed and sworn to me before this **28 th** day of **April** 19 **83**

**James M. Perkins**  
Notary Public

My commission expires **November 29, 1985**

CHARGE IT MOST EASILY

VISA MasterCard

AMERICAN EXPRESS

HUNTINGTON NORTH 7  
BELLMONT 2  
Bellmont 000 000 2 - 2 3 2  
H North 000 430 x - 7 9 1

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Vancil 3 0 0 0 2 1  
Peters (W-1-0) 4 0 0 0 0 8  
Churubusco 5 1 1 2 3  
Malerie 2 0 0 0 4  
Records-Garrett 2-1, Churubusco  
0-1  
HUNTINGTON NORTH 7  
BELLMONT 2  
Bellmont 000 000 2 - 2 3 2  
H North 000 430 x - 7 9 1

IP H R ER BB SO

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designed places as stated on Thursday, April 21, 1983.

Charles W. Westerman, City Clerk

4--21-28

PUBLISHER'S CLAIM

LINE COUNT		
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TOTAL AMOUNT OF CLAIM.		\$ 27.90

DATA FOR COMPUTING COST		
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Number of insertions 2	Size of quad upon which type is cast 6	

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Apr. 28 19 83 Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 4/21 - 4/28/83

Drusilla Roose

Subscribed and sworn to me before this 28 th day of April 19 83

Anne M. Perkins  
Notary Public

My commission expires November 29, 1985

County, Indiana:

(1) Reference Room in the north end of the main floor in said Downtown Public Library

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westermen, City Clerk

I, Charles W. Westermen, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designed places as stated on Thursday, April 21, 1983.

Charles W. Westermen, City Clerk

4--21-28